

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BARBARA ROBBINS,

Plaintiff,

v.

PLYMOUTH SEA TOURS, LLC,
D/B/A CAPTAIN JOHN BOATS,

Defendant.

CIVIL ACTION NO.

COMPLAINT AND JURY DEMAND

This matter arises out of the Defendant's negligence sounding in general maritime law in which the Plaintiff, Barbara Robbins, was seriously injured by the Defendant negligently leaving a hatch open in a walking path on the deck of a ship owned and operated by the Defendant. The Plaintiff brings this action to recoup special damages along with pain and suffering damages and with any other damages which may be deemed just and proper by this Court.

JURISDICTION AND VENUE

1. This Court has original jurisdiction over this action as it sounds in general admiralty or maritime law as contemplated in United States Constitution Art. III, §2, CL. 1, 28 U.S.C. §1333, and FRCP 9(h). Upon information and belief, the Plaintiff, Barbara Robbins, believes that, given the medical expenses incurred, ongoing disability and pain and suffering, the amount in controversy unquestionably exceeds \$75,000.

2. Pursuant to 28 U.S.C. §1391, venue is proper because Plymouth Sea Tours, LLC, d/b/a Captain John Boats, (hereinafter referred to as "Captain John Boats"), has a principal place of business located in Plymouth, Massachusetts, and a substantial part of the events giving rise to this claim occurred in Provincetown, Massachusetts. Captain John Boats is subject to personal jurisdiction in the District of Massachusetts.

PARTIES

3. The Plaintiff, Barbara Robbins, is an individual with a residential address of 73 Avalon Avenue, Quincy, Norfolk County, Commonwealth of Massachusetts.

4. The Defendant, Plymouth Sea Tours, LLC, d/b/a Captain John Boats, is a Massachusetts limited liability corporation with a principal place of business located at 10 Town Wharf, Plymouth, Plymouth County, Commonwealth of Massachusetts.

FACTS

5. On July 18, 2020, the Plaintiff, Barbara Robbins, purchased passage onboard Captain John Boats' vessel, the Captain John and Son's IV.

6. On July 18, 2020, at approximately 4:00 p.m., the Plaintiff, Barbara Robbins, boarded the Captain John and Son's IV vessel in Provincetown, Massachusetts.

7. On the vessel, the Plaintiff, Barbara Robbins, was accompanied by her disabled adult son and a friend.

8. The Plaintiff, Barbara Robbins, got her son situated in a seat aboard the vessel and went to locate a restroom on the boat.

9. While attempting to walk to the ship's restroom she fell into an open hole on the deck of the ship.

10. The hole which the Plaintiff fell into was unguarded, in a walking path on the deck of the boat, and greater than ten feet in depth.

11. The Defendant, Captain John Boats, failed to warn the Plaintiff, Barbara Robbins, of the hole, a dangerous condition, on its ship.

12. At all times material hereto, the Plaintiff was lawfully on the boat and in unrestricted areas of the boat.

13. At all times material hereto, the Plaintiff complied with all applicable instructions provided by Captain John Boats.

CAUSE OF ACTION - NEGLIGENCE

14. The Plaintiff, Barbara Robbins, alleges that Defendant Captain John Boats was negligent in allowing an open hole to exist on the deck of its ship.

15. The Plaintiff, Barbara Robbins, alleges that Defendant Captain John Boats was negligent in failing to warn her of a dangerous condition on its ship.

16. Defendant Captain John Boats' negligence sounds in admiralty and/or maritime law.

17. As a direct and proximate result of the Defendant's negligence, the Plaintiff, Barbara Robbins, suffered injuries, was prevented from transacting her business and suffered great pain of body and mind.

18. All conditions precedent to the filing of this action have occurred.

WHEREFORE, the Plaintiff, Barbara Robbins, demands judgment against the Defendant, Plymouth Sea Tours, LLC, d/b/a Captain John Boats, in an amount that is fair, together with interest and costs and such other relief as is just and appropriate.

PLAINTIFF DEMANDS A TRIAL BY JURY.

Respectfully submitted,
BARBARA ROBBINS,
By counsel,

/s/ Benjamin T. Carroll

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